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MAY 04 2004

OFFICE OF PETITIONS

In re Application of :
William Gray, Gerald Smith, :
Carl Larkin, Lee Peart, :
Peter Saunders, Stuart Fiske and :
Darren Morford :
Application No. 10/607,144 :
Filed: June 26, 2003 :
Attorney Docket No. 37355-131 :
Title: SYSTEM AND METHOD FOR :
CONDUCTING SECURE ELECTRONIC :
TRANSACTIONS :

DECISION REFUSING STATUS
UNDER 37 CFR § 1.47(a)

This is a decision on the "Petition to Accept National Application Without Participation of An Inventor," filed March 19, 2004, pursuant to 37 CFR § 1.47(a) (certificate of mailing, March 16, 2004).

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 3, 2002, without an executed oath or declaration. William Gray, Gerald Smith, Carl Larkin, Lee Peart, Peter Saunders, Stuart Fiske and Darren Morford were named as joint inventors. Accordingly, on September 16, 2003, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply with extensions of time obtainable under § 1.136(a).

In response, applicants filed three declarations executed, in combination, by joint inventors Gray, Smith, Larkin, Peart, Saunders and Fiske on behalf of themselves and on behalf of non-signing joint inventor Morford; the surcharge under § 1.16(1);

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and the instant petition under § 1.47(a) (and fee). This response was made timely by an accompanying petition for a four-month extension of time for response (and fee). Applicants assert that status under § 1.47(a) is proper because inventor Morford cannot be found or reached, after diligent effort, to join in the application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

By declaration of Senior Legal Manager Patrice Jacobson and supporting documentary evidence, petitioner has shown that inventor Morford cannot be found or reached after diligent effort to join in the application. The petition includes payment of the petition fee.

However, the petition is not grantable because it does not satisfy requirements (2) and (4) above. The declaration submitted is not acceptable. It is not in compliance with 35 U.S.C. 115 and implementing regulations 37 CFR 1.63(a)(3) and (c)(1). The declaration does not include the citizenship, mailing address, and residence of inventor Morford. The mailing address and residence may be provided by way of a supplemental application data sheet, pursuant to 37 CFR 1.76(c)(1). However, the requirement that the declaration include the citizenship of inventor Morford is statutory; it is required pursuant to 35 U.S.C. 115. Accordingly, the requirement for inventor Morford's citizenship on the declaration may not be waived.

Furthermore, the petition does not include a statement of inventor Morford's last known address.

On renewed petition, petitioner must submit an acceptable executed declaration and provide inventor Morford's last known address.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 ATTN: NANCY JOHNSON
 SENIOR PETITIONS ATTORNEY

By hand: CUSTOMER SERVICE WINDOW
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Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.

A handwritten signature in dark ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end of the last name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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